

A. G. Contract No. KR93 3147TRN
JPA No.: 93-196
Project: F-057-1-505/H301901C
Section: US-191, 32nd St/1st Ave

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF SAFFORD

THIS AGREEMENT is entered into 25 APRIL, 1994,
pursuant to Arizona Revised Statutes, Sections 11-951 through
11-954, as amended, between the STATE OF ARIZONA, acting by and
through its DEPARTMENT OF TRANSPORTATION (the "State") and the
CITY OF SAFFORD, acting by and through its MAYOR and CITY
COUNCIL (the "City").

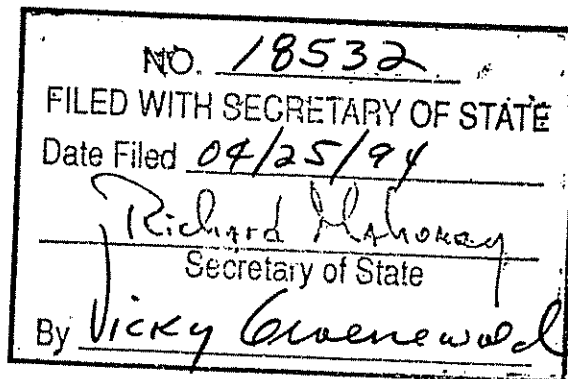
I. RECITALS

1. The State is empowered by Arizona Revised Statutes
Section 28-108 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has delegated
to the undersigned the authority to execute this agreement on
behalf of the State.

2. The City is empowered by Arizona Revised Statutes
Section 48-572 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has
authorized the undersigned to execute this agreement on behalf
of the City.

3. Incident to an improvement project to US-191
contemplated by the State in the City, the parties hereto have
determined the requirement for a fenced storm water runoff
detention basin capable of detaining a ten year event, near
US-191 at approximately Station 1520+23, which will benefit
both the City and the traveling public, hereinafter referred to
as the Project.

THEREFORE, in consideration of the mutual agreements expressed
herein, it is agreed as follows:



II. SCOPE OF WORK

1. The City will:

a. Provide to State standards design plans, specifications, calculations and such other documents and services required for construction bidding and construction. Incorporate State review comments. At no cost to the State, obtain any necessary right-of-way or required easements for the Project.

b. Call for bids, and with the concurrence of the State, award one or more construction contracts for the Project. Administer same and make all payments to the contractor. Insure completion of Project construction concurrent with the State's project completion, but no later than 31 December 1994. Be responsible for any contractor claims for extra compensation attributable to the City.

c. Invoice the State for its share of the Project, in an amount not to exceed \$48,600.00.

d. Upon completion, accept the Project on behalf of the parties hereto and provide maintenance.

2. The State will:

a. Review the design documents and provide comments as appropriate.

b. Within 30 days after receipt and approval of an invoice, pay the City for the State's share of the Project, in an amount not to exceed \$48,600.00.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

City of Safford
City Manager
Box 272
Safford, AZ 85546


7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.


IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF SAFFORD

STATE OF ARIZONA

Department of Transportation

By 
VAN TALLEY
Mayor

By 
ROBERT P. MICKELSON
Chief Deputy State Engineer

ATTEST

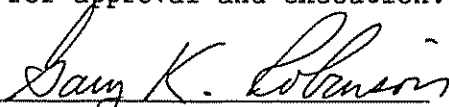
By _____
SHERRIE FARAR
City Clerk

RESOLUTION

BE IT RESOLVED on this 20th day of December 1993, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the City of Safford for the purpose of defining responsibilities for the design and construction of a drainage detention basin near US-191 in the City.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Chief Deputy State Engineer for approval and execution.

for:


LARRY S. BONINE
Director

CITY OF SAFFORD
REGULAR MEETING OF THE CITY COUNCIL
MINUTES
MARCH 28, 1994

MEMBERS PRESENT: Mayor Van Talley; Vice-Mayor Ed Ragland; Councilmembers Chance Eaton, Paul Christensen; Warren Williams; J.T. Cotter; Joseph Hughes.

ALSO PRESENT: Irvan Mortensen, City Attorney; Dennis Thompson, Police Chief; Ron Jacobson, Finance Director; Sharon Farar, City Clerk.

VISITORS: Bob Harvey, Wild West News; Lupe Munoz; Victor Ornelas; Meg Jensen; Rick Tharp.

Mayor Talley established that a quorum was present and called the meeting to order at 7:03 P.M. MST.

Three members of Scout Troop #23 were welcomed to the Council Meeting: Larry Archuleta, Joe Isaacs, and David ?.

The Pledge of Allegiance was given by all persons present.

CANVAS OF VOTES:

March 28, 1994 was the date scheduled by the Council to canvas the votes of the Primary Election which was held March 15, 1994. The results of the Election were tallied by the Tally Board as follows:

Number of Ballots Cast:	1200
Spoiled Ballots:	7
Number of Ballots Rejected:	

Number of Votes Cast for Councilmember:

Patricia Cervantez:	445
J.T. Cotter:	747

The Council examined various materials of the Election, the tally list, poll list, and signature roster. There was one ballot that the Tally Board could not account for. Mayor Talley asked if anyone on the Council had concerns with the Election. It was moved by Vice-Mayor Ragland, seconded by Councilmember Eaton and approved unanimously 6-0 to accept the Election results. Councilmember Cotter abstained.

amendments to require Thatcher to maintain the fence reserving a right of ingress and egress, to include a legal description, and authorizing the Mayor to sign.

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL
OF THE CITY OF SAFFORD AUTHORIZING THE EXECUTIVE
OF DOCUMENTS FOR THE TRANSFER OF REAL PROPERTY
TO THE TOWN OF THATCHER.

MOTION ADOPTED

12. FINANCE

1. Auditor's Report & Points of Discussion: Finance Director Ron Jacobson explained that the purpose of the Auditor's Report is to comply with governmental auditing standards. The results indicate that the City of Safford is in compliance.

Mr. Jacobson discussed various points of concern with the Council to include: Fixed Assets; Supplies Inventory; Interagency Motor Pool; Purchasing; Accounting Records; and Special Assessments, and outlined methods of responding to the points of concern.

The method of signing and stamping checks was discussed with regard to machine method and signing/stamping by hand. Mr. Jacobson did not personally see why there should be two signatures on the checks, that the City has better methods of establishing controls. But, because it is policy it will be complied with at this time.

Mr. Bingham stated that the City has a clean audit whereas in the past it did not have a clean audit. He expressed appreciation to Mr. Jacobson for cleaning up some of the areas.

13. PUBLIC WORKS

Mr. Bingham excused Robert Porter because his brother was visiting from Illinois.

5. ADOT IGA Pertaining to Route 191/32nd Street: The lower Block Plant area was discussed. The City Manager stated the City would like to retain and use the lower area to construct a detention pond. Mayor Talley would like for the City Manager and the lessee to review the lease together and have it cleared up one more time. The Mayor feels the lease needs to be better clarified and the person who is leasing it presently could decide if he would like to remain and improve the area or go somewhere else. The Council stated that if the

City should decide on a long term extension of the lease it should be bid out.

It was moved by Councilmember Christensen, seconded by Vice-Mayor Ragland and approved unanimously 7-0 to approve the IGA with ADOT and allow the Mayor to sign the Agreement.

MOTION ADOPTED

14. CITY MANAGER

1. Budget Adjustment: Ron Jacobson suggested to the City Council that \$30,000 be moved from the "Wages" to "Electrical Power Consulting Issues" budgets. Because the position of Utility Director was never filled, the transfer will allow the City to proceed with cost savings in the Electrical area. Councilmember Eaton asked if it could legally be done. Mr. Bingham stated that it could be done if it were within the same fund. It is appropriate to change a line item to a line item, but Mr. Bingham wanted the Council to be aware of the transfer. It was moved by Vice-Mayor Ragland, seconded by Councilmember Christensen and approved unanimously 7-0 to approve the budget adjustment of \$30,000.00

MOTION ADOPTED

2. Authorization to pay Water Resources Associates: Mr. Bingham stated that a bill for approximately \$6,000 has been received and that another statement will be received from Mr. Nesgood to finish out the Soil Borings Phase II project. It was moved by Councilmember Eaton, seconded by Councilmember Hughes and approved unanimously 7-0 to authorize the City Manager to pay Water Resources Associates, Inc. for Soil Borings - Phase II in an amount not to exceed \$10,000.00. The money is to be taken from the same fund coding as on previous invoices.

MOTION ADOPTED

15. EXECUTIVE SESSION

It was moved by Vice-Mayor Ragland, seconded by Councilmember Cotter and approved unanimously 7-0 to go into Executive Session at 9:14 P.M. to discuss legal issues with the Attorney.

It was moved by Councilmember Christensen, seconded by Councilmember Eaton and approved unanimously 7-0 to go into Regular Session at 9:48 P.M.

16. There was no further discussion of Executive items.

JPA 93-196

APPROVAL OF THE SAFFORD CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION and the CITY OF SAFFORD and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 28th day of March, 1994.

A handwritten signature in dark ink, appearing to read "K. B. Martin", is written over a horizontal line.

City Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

GRANT WOODS
ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

MAIN PHONE : 542-5025
TELECOPIER : 542-4085

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A. G. Contract No. KR93-3147-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. §11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 20th day of April, 1994.

GRANT WOODS
Attorney General

A handwritten signature in cursive script, reading "James R. Redpath", is written over a horizontal line.

JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:lsr
8365G